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Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

Report of the Special Political and Decolonization Committee (Fourth Committee)

Rapporteur: Mr. Andrej **Droba** (Slovakia)

I. Introduction

1. At its 19th plenary meeting, on 20 September 2002, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-seventh session the item entitled "Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories" and to allocate it to the Special Political and Decolonization Committee (Fourth Committee).

2. The Fourth Committee considered the item at its 21st to 23rd meetings, on 11, 12 and 15 November 2002 (see A/C.4/57/SR.21-23). The general debate on the item was held at the 21st and 22nd meetings (see A/C.4/57/SR.21 and 22).

3. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Secretary-General submitted in pursuance of General Assembly resolution 56/59 (A/57/314);

(b) Report of the Secretary-General submitted in pursuance of General Assembly resolution 56/60 (A/57/315);

(c) Report of the Secretary-General submitted in pursuance of General Assembly resolution 56/61 (A/57/316);

(d) Report of the Secretary-General submitted in pursuance of General Assembly resolution 56/62 (A/57/317);

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(e) Report of the Secretary-General submitted in pursuance of General Assembly resolution 56/63 (A/57/318);

(f) Note by the Secretary-General transmitting the thirty-fourth report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (A/57/207);

(g) Note by the Secretary-General transmitting the periodic report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (A/57/421);

(h) Letter dated 12 August 2002 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General (A/57/297-S/2002/920);

(i) Letter dated 27 September 2002 from the Chargé d'affaires a.i. of the Permanent Mission of the Sudan to the United Nations addressed to the Secretary-General, transmitting the final communiqué adopted at the annual coordination meeting of the Ministers for Foreign Affairs of the States members of the Organization of the Islamic Conference (A/57/458-S/2002/1125).

4. At the 21st meeting, on 11 November, the representative of Sri Lanka, in his capacity as Chairman of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, introduced the report of that Committee contained in document A/57/207 (see A/C.4/57/SR.21).

5. At the same meeting, the representative of the Permanent Observer Mission of Palestine to the United Nations made a statement (see A/C.4/57/SR.21).

6. At the 23rd meeting, on 15 November, the representative of Israel made a statement (see A/C.4/57/SR.23).

7. At the same meeting, the representative of the Permanent Observer Mission of Palestine to the United Nations made a further statement (see A/C.4/57/SR.23).

II. Consideration of proposals

A. Draft resolution A/C.4/57/L.16

8. At the 23rd meeting, on 15 November, the representative of Cuba, on behalf of Algeria, Bahrain, the Comoros, Cuba, Djibouti, Egypt, Indonesia, Jordan, Kuwait, Malaysia, Morocco, Namibia, Oman, Qatar, Saudi Arabia, Somalia, South Africa, the Sudan, Tunisia, the United Arab Emirates, Yemen and Palestine, subsequently joined by Bangladesh, Brunei Darussalam, Guinea, Mali, Mauritania and Senegal, introduced a draft resolution entitled "Work of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories" (A/C.4/57/L.16).

9. At the same meeting, the Secretary of the Committee made a statement on the programme budget implications of the draft resolution.

10. Also at the same meeting, the Committee adopted draft resolution A/C.4/57/L.16 by a recorded vote of 82 to 5, with 62 abstentions (see para. 24, draft resolution I). The voting was as follows:

In favour:

Algeria, Armenia, Azerbaijan, Bahrain, Bangladesh, Belarus, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cape Verde, Chad, Chile, China, Colombia, Côte d'Ivoire, Cuba, Cyprus, Democratic People's Republic of Korea, Djibouti, Dominican Republic, Ecuador, Egypt, Eritrea, Ghana, Guinea, Guyana, Haiti, India, Indonesia, Iran (Islamic Republic of), Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nigeria, Oman, Pakistan, Philippines, Qatar, Saint Lucia, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, South Africa, Sri Lanka, Sudan, Swaziland, Syrian Arab Republic, Thailand, Togo, Tunisia, Turkey, United Arab Emirates, United Republic of Tanzania, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Israel, Marshall Islands, Micronesia (Federated States of), Nauru, United States of America.

Abstaining:

Andorra, Argentina, Australia, Austria, Bahamas, Belgium, Bulgaria, Canada, Costa Rica, Croatia, Czech Republic, Denmark, Estonia, Ethiopia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Italy, Jamaica, Japan, Kazakhstan, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Monaco, Netherlands, New Zealand, Norway, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Vincent and the Grenadines, Samoa, San Marino, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Uzbekistan, Yugoslavia.

11. At the same meeting, statements in explanation of vote on draft resolution A/C.4/57/L.16 were made by the representatives of Australia, Canada and Denmark (on behalf of the States Members of the United Nations that are members of the European Union and Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia, as well as Iceland and Norway) (see A/C.4/57/SR.23).

B. Draft resolution A/C.4/57/L.17

12. At the 23rd meeting, on 15 November, the representative of Cuba, on behalf of Algeria, Bahrain, the Comoros, Cuba, Djibouti, Egypt, Indonesia, Jordan, Kuwait, Malaysia, Morocco, Oman, Qatar, Saudi Arabia, Somalia, South Africa, the Sudan, Tunisia, the United Arab Emirates, Yemen and Palestine, subsequently joined by Bangladesh, Brunei Darussalam, Guinea, Mali, Mauritania and Senegal, introduced a draft resolution entitled "Applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied

Palestinian Territory, including Jerusalem, and the other occupied Arab territories" (A/C.4/57/L.17). In introducing the draft resolution, he orally revised the title by inserting the word "East" before the word "Jerusalem".

13. At the same meeting, the Committee adopted draft resolution A/C.4/57/L.17, as orally revised, by a recorded vote of 145 to 5, with 2 abstentions (see para. 24, draft resolution II). The voting was as follows:

In favour:

Algeria, Andorra, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Belarus, Belgium, Belize, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Canada, Cape Verde, Chad, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Georgia, Germany, Ghana, Greece, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Pakistan, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Somalia, South Africa, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

Against:

Israel, Marshall Islands, Micronesia (Federated States of), Nauru, United States of America.

Abstaining:

Papua New Guinea, Tuvalu.

14. At the same meeting, statements in explanation of vote on draft resolution A/C.4/57/L.17 were made by the representatives of Australia, Canada and Switzerland (see A/C.4/57/SR.23).

C. Draft resolution A/C.4/57/L.18

15. At the 23rd meeting, on 15 November, the representative of Cuba, on behalf of Algeria, Bahrain, the Comoros, Cuba, Djibouti, Egypt, Indonesia, Jordan, Kuwait, Malaysia, Morocco, Oman, Qatar, Saudi Arabia, Somalia, South Africa, the Sudan, Tunisia, the United Arab Emirates, Yemen and Palestine, subsequently joined by Bangladesh, Brunei Darussalam, Guinea, Mali, Mauritania and Senegal, introduced

a draft resolution entitled "Israeli settlements in the Occupied Palestinian Territory, including Jerusalem, and the occupied Syrian Golan" (A/C.4/57/L.18). In introducing the draft resolution, he orally revised the title by inserting the word "East" before the word "Jerusalem".

16. At the same meeting, the Committee adopted draft resolution A/C.4/57/L.18, as orally revised, by a recorded vote of 145 to 6, with 1 abstention (see para. 24, draft resolution III). The voting was as follows:

In favour:

Algeria, Andorra, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Belarus, Belgium, Belize, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Canada, Cape Verde, Chad, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Georgia, Germany, Ghana, Greece, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Pakistan, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Somalia, South Africa, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

Against:

Israel, Marshall Islands, Micronesia (Federated States of), Nauru, Tuvalu, United States of America.

Abstaining:

Papua New Guinea.

17. At the same meeting, the representative of Australia made a statement in explanation of vote on draft resolution A/C.4/57/L.18 (see A/C.4/57/SR.23).

D. Draft resolution A/C.4/57/L.19/Rev.1

18. At the 23rd meeting, on 15 November, the representative of Cuba, on behalf of Algeria, Bahrain, the Comoros, Cuba, Djibouti, Egypt, Indonesia, Jordan, Kuwait, Malaysia, Morocco, Oman, Qatar, Saudi Arabia, Somalia, South Africa, the Sudan, Tunisia, the United Arab Emirates, Yemen and Palestine, subsequently joined by Bangladesh, Brunei Darussalam, Guinea, Mali, Mauritania and Senegal, introduced

a draft resolution entitled "Israeli practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory, including Jerusalem" (A/C.4/57/L.19/Rev.1). In introducing the draft resolution, he orally revised it by inserting the word "East" before the word "Jerusalem" in the title and in operative paragraph 1.

19. At the same meeting, the Committee adopted draft resolution A/C.4/57/L.19/Rev.1, as orally revised, by a recorded vote of 141 to 5, with 2 abstentions (see para. 24, draft resolution IV). The voting was as follows:

In favour:

Algeria, Andorra, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Belarus, Belgium, Belize, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Canada, Cape Verde, Chad, Chile, China, Colombia, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Georgia, Germany, Ghana, Greece, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nigeria, Norway, Oman, Pakistan, Paraguay, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Somalia, South Africa, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

Against:

Israel, Marshall Islands, Micronesia (Federated States of), Nauru, United States of America.

Abstaining:

Papua New Guinea, Tuvalu.

20. At the same meeting, statements in explanation of vote on draft resolution A/C.4/57/L.19/Rev.1 were made by the representatives of Australia, Canada and Denmark (on behalf of the States Members of the United Nations that are members of the European Union and Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia, as well as Iceland and Norway) (see A/C.4/57/SR.23).

E. Draft resolution A/C.4/57/L.20

21. At the 23rd meeting, on 15 November, the representative of Cuba, on behalf of Algeria, Bahrain, the Comoros, Cuba, Djibouti, Egypt, Indonesia, Jordan, Kuwait, Lebanon, Malaysia, Morocco, Oman, Qatar, Saudi Arabia, Somalia, South Africa, the Sudan, the Syrian Arab Republic, Tunisia, the United Arab Emirates, Yemen and Palestine, subsequently joined by Bangladesh, Brunei Darussalam, Guinea, Mali, Mauritania and Senegal, introduced a draft resolution entitled "The occupied Syrian Golan" (A/C.4/57/L.20).

22. At the same meeting, the Committee adopted draft resolution A/C.4/57/L.20 by a recorded vote of 144 to 1, with 7 abstentions (see para. 24, draft resolution V). The voting was as follows:

In favour:

Algeria, Andorra, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Belarus, Belgium, Belize, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Canada, Cape Verde, Chad, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Georgia, Germany, Ghana, Greece, Guinea, Guyana, Haiti, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nigeria, Norway, Oman, Pakistan, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Somalia, South Africa, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

Against:

Israel.

Abstaining:

Honduras, Marshall Islands, Micronesia (Federated States of), Nauru, Papua New Guinea, Tuvalu, United States of America.

23. At the same meeting, after the vote on the draft resolution, the representative of the Syrian Arab Republic made a statement (see A/C.4/57/SR.23).

III. Recommendations of the Special Political and Decolonization Committee (Fourth Committee)

24. The Special Political and Decolonization Committee (Fourth Committee) recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I
Work of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations,

Guided also by international humanitarian law, in particular the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[1] as well as international standards of human rights, in particular the Universal Declaration of Human Rights[2] and the International Covenants on Human Rights,[3]

Recalling its relevant resolutions, including resolutions 2443 (XXIII) of 19 December 1968 and 56/59 of 10 December 2001, and the relevant resolutions of the Commission on Human Rights,

Recalling also relevant resolutions of the Security Council,

Convinced that occupation itself represents a gross and grave violation of human rights,

Gravely concerned about the continuation of the tragic events that have occurred since 28 September 2000, including the excessive use of force by the Israeli occupying forces against Palestinian civilians, resulting in thousands of deaths and injuries,

Having considered the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories[4] and the relevant reports of the Secretary-General,[5]

Recalling the Declaration of Principles on Interim Self-Government Arrangements of 13 September 1993[6] and the subsequent implementation agreements between the Palestinian and Israeli sides,

Expressing the hope that the Israeli occupation will be brought to an early end and that therefore the violation of the human rights of the Palestinian people will cease,

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[1] United Nations, *Treaty Series*, vol. 75, No. 973.
[2] Resolution 217 A (III).
[3] Resolution 2200 A (XXI), annex.
[4] A/57/207 and A/57/421.
[5] A/57/314-318.
[6] A/48/486-S/26560, annex.

1. *Commends* the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories for its efforts in performing the tasks assigned to it by the General Assembly and for its impartiality;

2. *Reiterates its demand* that Israel, the occupying Power, cooperate with the Special Committee in implementing its mandate;

3. *Deplores* those policies and practices of Israel that violate the human rights of the Palestinian people and other Arabs of the occupied territories, as reflected in the reports of the Special Committee covering the reporting period;

4. *Expresses grave concern* about the situation in the Occupied Palestinian Territory, including East Jerusalem, as a result of Israeli practices and measures, and especially condemns the excessive and indiscriminate use of force since 28 September 2000, which has resulted in almost two thousand Palestinian deaths and tens of thousands of injuries;

5. *Requests* the Special Committee, pending complete termination of the Israeli occupation, to continue to investigate Israeli policies and practices in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967, especially Israeli violations of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[1] and to consult, as appropriate, with the International Committee of the Red Cross according to its regulations in order to ensure that the welfare and human rights of the peoples of the occupied territories are safeguarded and to report to the Secretary-General as soon as possible and whenever the need arises thereafter;

6. *Also requests* the Special Committee to submit regularly to the Secretary-General periodic reports on the current situation in the Occupied Palestinian Territory, including East Jerusalem;

7. *Further requests* the Special Committee to continue to investigate the treatment of prisoners and detainees in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967;

8. *Requests* the Secretary-General:

(a) To provide the Special Committee with all necessary facilities, including those required for its visits to the occupied territories, so that it may investigate Israeli policies and practices referred to in the present resolution;

(b) To continue to make available such additional staff as may be necessary to assist the Special Committee in the performance of its tasks;

(c) To circulate regularly to Member States the periodic reports mentioned in paragraph 6 above;

(d) To ensure the widest circulation of the reports of the Special Committee and of information regarding its activities and findings, by all means available, through the Department of Public Information of the Secretariat and, where necessary, to reprint those reports of the Special Committee that are no longer available;

(e) To report to the General Assembly at its fifty-eighth session on the tasks entrusted to him in the present resolution;

9. *Decides* to include in the provisional agenda of its fifty-eighth session the item entitled "Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories".

Draft resolution II
Applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem, and the other occupied Arab territories

The General Assembly,

Recalling its relevant resolutions,

Bearing in mind the relevant resolutions of the Security Council,

Having considered the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories[7] and the relevant reports of the Secretary-General,[8]

Considering that the promotion of respect for the obligations arising from the Charter of the United Nations and other instruments and rules of international law is among the basic purposes and principles of the United Nations,

Noting the convening of the meeting of experts of the High Contracting Parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[9] at Geneva from 27 to 29 October 1998, at the initiative of the Government of Switzerland in its capacity as the depositary of the Convention, concerning general problems of application of the Convention in general and, in particular, in occupied territories,

Noting also the convening for the first time, on 15 July 1999, of a Conference of High Contracting Parties to the Fourth Geneva Convention, as recommended by the General Assembly in its resolution ES-10/6 of 9 February 1999, on measures to enforce the Convention in the Occupied Palestinian Territory, including East Jerusalem, and to ensure respect therefor in accordance with article 1 common to the four Geneva Conventions,[10] and aware of the statement adopted by the Conference,

Welcoming the reconvening of the Conference of High Contracting Parties to the Fourth Geneva Convention at Geneva on 5 December 2001, stressing the importance of the Declaration adopted by the Conference, and underlining the need for the parties to follow up on the implementation of the Declaration,

Welcoming and encouraging the initiatives by States parties to the Convention, both individually and collectively, according to article 1 common to the four Geneva Conventions,[10] aimed at ensuring respect for the Convention,

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[7] A/57/207 and A/57/421.

[8] A/57/314-318.

[9] United Nations, *Treaty Series*, vol. 75, No. 973.

[10] Ibid., Nos. 970-973.

Stressing that Israel, the occupying Power, should comply strictly with its obligations under international law, including international humanitarian law,

1. *Reaffirms* that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[9] is applicable to the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967;

2. *Demands* that Israel accept the de jure applicability of the Convention in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967, and that it comply scrupulously with the provisions of the Convention;

3. *Calls upon* all High Contracting Parties to the Convention, in accordance with article 1 common to the four Geneva Conventions,[10] to continue to exert all efforts to ensure respect for its provisions by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967;

4. *Reiterates* the need for speedy implementation of the relevant recommendations contained in the resolutions adopted at its tenth emergency special session with regard to ensuring respect by Israel, the occupying Power, for the provisions of the Convention;

5. *Requests* the Secretary-General to report to the General Assembly at its fifty-eighth session on the implementation of the present resolution.

Draft resolution III
Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan

The General Assembly,

Guided by the principles of the Charter of the United Nations, and affirming the inadmissibility of the acquisition of territory by force,

Recalling its relevant resolutions, including those adopted at its tenth emergency special session, as well as relevant Security Council resolutions, including resolutions 242 (1967) of 22 November 1967, 446 (1979) of 22 March 1979, 465 (1980) of 1 March 1980 and 497 (1981) of 17 December 1981,

Reaffirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[11] to the Occupied Palestinian Territory, including East Jerusalem, and to the occupied Syrian Golan,

Recalling the Declaration of Principles on Interim Self-Government Arrangements of 13 September 1993[12] and the subsequent implementation agreements between the Palestinian and Israeli sides,

Aware that Israeli settlement activities have involved, inter alia, the transfer of nationals of the occupying Power into the occupied territories, the confiscation of

[11] United Nations, *Treaty Series*, vol. 75, No. 973.
[12] A/48/486-S/26560, annex.

land, the exploitation of natural resources and other illegal actions against the Palestinian civilian population,

Bearing in mind the detrimental impact of Israeli settlement policies, decisions and activities on efforts to achieve peace in the Middle East,

Expressing grave concern about the continuation by Israel of settlement activities in violation of international humanitarian law, relevant United Nations resolutions and the agreements reached between the parties, including the ongoing construction of the settlements in Jabal Abu-Ghneim and Ras Al-Amud in and around Occupied East Jerusalem,

Gravely concerned about the dangerous situation resulting from actions taken by the illegal armed Israeli settlers in the occupied territory, as illustrated in the recent period and earlier by the massacre of Palestinian worshippers by an illegal Israeli settler in Al-Khalil on 25 February 1994, and during the past year,

Taking note of the report of the Secretary-General,[13]

1. *Reaffirms* that Israeli settlements in the Palestinian territory, including East Jerusalem, and in the occupied Syrian Golan are illegal and an obstacle to peace and economic and social development;

2. *Calls upon* Israel to accept the de jure applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[11] to the Occupied Palestinian Territory, including East Jerusalem, and to the occupied Syrian Golan and to abide scrupulously by the provisions of the Convention, in particular article 49;

3. *Reiterates its demand* for the complete cessation of all Israeli settlement activities in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, including the construction of the settlement in Jabal Abu-Ghneim;

4. *Stresses* the need for full implementation of Security Council resolution 904 (1994) of 18 March 1994, in which, among other things, the Council called upon Israel, the occupying Power, to continue to take and implement measures, including confiscation of arms, with the aim of preventing illegal acts of violence by Israeli settlers, and called for measures to be taken to guarantee the safety and protection of the Palestinian civilians in the occupied territory;

5. *Reiterates its calls* for the prevention of all acts of violence by Israeli settlers, particularly in the light of recent developments;

6. *Requests* the Secretary-General to report to the General Assembly at its fifty-eighth session on the implementation of the present resolution.

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[13] A/57/316.

Draft resolution IV
Israeli practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem

The General Assembly,

Recalling its relevant resolutions, including those adopted at its tenth emergency special session, and the resolutions of the Commission on Human Rights,

Bearing in mind the relevant resolutions of the Security Council,

Having considered the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories[14] and the reports of the Secretary-General,[15]

Taking note of the report of the Human Rights Inquiry Commission established by the Commission on Human Rights[16] and the report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied by Israel since 1967,[17]

Aware of the responsibility of the international community to promote human rights and ensure respect for international law,

Reaffirming the principle of the inadmissibility of the acquisition of territory by force,

Reaffirming also the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[18] to the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967,

Reaffirming further the obligation of the States parties to the Fourth Geneva Convention under articles 146, 147 and 148 with regard to penal sanctions, grave breaches and responsibilities of the High Contracting Parties,

Stressing the need for full compliance with the Israeli-Palestinian agreements reached within the context of the Middle East peace process,

Concerned about the continuing systematic violation of the human rights of the Palestinian people by Israel, the occupying Power, including the use of collective punishment, reoccupation and closure of areas, confiscation of land, establishment and expansion of settlements, destruction of property and all other actions by it designed to change the legal status, geographical nature and demographic composition of the Occupied Palestinian Territory, including East Jerusalem,

Gravely concerned by the tragic events that have occurred since 28 September 2000 and that have led to thousands of deaths and injuries, mostly among Palestinian civilians,

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[14] A/57/207 and A/57/421.
[15] A/57/314-318.
[16] E/CN.4/2001/121.
[17] E/CN.4/2002/32.
[18] United Nations, *Treaty Series*, vol. 75, No. 973.

Expressing deep concern about the destruction caused by the Israeli occupying forces, including the destruction of homes and properties, of religious, cultural and historical sites, of vital infrastructure and institutions of the Palestinian Authority, and of agricultural land throughout Palestinian cities, towns, villages and refugee camps,

Also expressing deep concern about the Israeli policy of closure and the severe restrictions, including curfews, imposed on the movement of persons and goods, including medical and humanitarian personnel and goods, throughout the Occupied Palestinian Territory, including East Jerusalem, and the consequent impact on the socio-economic situation of the Palestinian people, which has resulted in a dire humanitarian crisis,

Expressing concern that thousands of Palestinians continue to be held in Israeli prisons or detention centres, and also expressing concern about their ill-treatment and harassment and reports of torture,

Convinced of the need for an international presence to monitor the situation, to contribute to ending the violence and protecting Palestinian civilians and to help the parties to implement agreements reached, and, in this regard, recalls the positive contribution of the Temporary International Presence in Hebron,

Stressing the necessity for the full implementation of all relevant Security Council resolutions,

1. *Determines* that all measures and actions taken by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, in violation of the relevant provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[18] and contrary to the relevant resolutions of the Security Council, are illegal and have no validity;

2. *Demands* that Israel, the occupying Power, comply fully with the provisions of the Fourth Geneva Convention of 1949[18] and cease immediately all measures and actions taken in violation of the Convention, including extrajudiciary executions;

3. *Condemns* all acts of violence, including all acts of terror, provocation, incitement and destruction, especially the excessive use of force by Israeli forces against Palestinian civilians, resulting in extensive loss of life, vast numbers of injuries and massive destruction;

4. *Condemns* the recent events that have occurred in the Jenin refugee camp, including the loss of life, injury, destruction and displacement inflicted on many of its civilian inhabitants;

5. *Demands* that Israel, the occupying Power, cease all practices and actions that violate the human rights of the Palestinian people;

6. *Stresses* the need to preserve the territorial integrity of all the Occupied Palestinian Territory and to guarantee the freedom of movement of persons and goods within the Palestinian territory, including the removal of restrictions on movement into and from East Jerusalem, and the freedom of movement to and from the outside world;

7. *Requests* the Secretary-General to report to the General Assembly at its fifty-eighth session on the implementation of the present resolution.

Draft resolution V
The occupied Syrian Golan

The General Assembly,

Having considered the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories,[19]

Deeply concerned that the Syrian Golan, occupied since 1967, has been under continued Israeli military occupation,

Recalling Security Council resolution 497 (1981) of 17 December 1981,

Recalling also its previous relevant resolutions, the last of which was resolution 56/63 of 10 December 2001,

Having considered the report of the Secretary-General submitted in pursuance of resolution 56/63,[20]

Recalling its previous relevant resolutions in which, inter alia, it called upon Israel to put an end to its occupation of the Arab territories,

Reaffirming once more the illegality of the decision of 14 December 1981 taken by Israel to impose its laws, jurisdiction and administration on the occupied Syrian Golan, which has resulted in the effective annexation of that territory,

Reaffirming that the acquisition of territory by force is inadmissible under international law, including the Charter of the United Nations,

Reaffirming also the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[21] to the occupied Syrian Golan,

Bearing in mind Security Council resolution 237 (1967) of 14 June 1967,

Welcoming the convening in Madrid of the Peace Conference on the Middle East on the basis of Security Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973 aimed at the realization of a just, comprehensive and lasting peace, and expressing grave concern about the stalling of the peace process on all tracks,

1. *Calls upon* Israel, the occupying Power, to comply with the relevant resolutions on the occupied Syrian Golan, in particular Security Council resolution 497 (1981), in which the Council, inter alia, decided that the Israeli decision to impose its laws, jurisdiction and administration on the occupied Syrian Golan was null and void and without international legal effect, and demanded that Israel, the occupying Power, rescind forthwith its decision;

2. *Also calls upon* Israel to desist from changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Golan and in particular to desist from the establishment of settlements;

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[19] A/57/207 and A/57/421.

[20] A/57/318.

[21] United Nations, *Treaty Series*, vol. 75, No. 973.

3. *Determines* that all legislative and administrative measures and actions taken or to be taken by Israel, the occupying Power, that purport to alter the character and legal status of the occupied Syrian Golan are null and void, constitute a flagrant violation of international law and of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[21] and have no legal effect;

4. *Calls upon* Israel to desist from imposing Israeli citizenship and Israeli identity cards on the Syrian citizens in the occupied Syrian Golan and from taking repressive measures against the population of the occupied Syrian Golan;

5. *Deplores* the violations by Israel of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949;

6. *Calls once again upon* Member States not to recognize any of the legislative or administrative measures and actions referred to above;

7. *Requests* the Secretary-General to report to the General Assembly at its fifty-eighth session on the implementation of the present resolution.